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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 IN RE SONY VAIO COMPUTER  
11 NOTEBOOK TRACKPAD  
12 LITIGATION,

CASE NO. 09cv2109-BAS (MDD)  
AMENDED SCHEDULING  
ORDER  
[ECF NO. 214]

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16 The parties have submitted a Joint Motion to Extend Case Scheduling  
17 Order Deadlines in the above captioned case. (ECF. No. 214). Upon review, the  
18 Court finds good cause to grant the motion and issues the following amended  
19 scheduling order:

20 1. Counsel shall refer to the Standing Order for Civil Cases for the  
21 Honorable Cynthia Bashant, which is accessible via the Court's website at  
22 [www.casd.uscourts.gov](http://www.casd.uscourts.gov).

23 2. All discovery, other than expert discovery, shall be completed by all  
24 parties on or before **August 29, 2014**. All expert discovery shall be completed by all  
25 parties on or before **January 1, 2015**. "Completed" means that all discovery must be  
26 initiated a sufficient period of time in advance of the cutoff date, so that it may be  
27 completed by the cutoff date, taking into account the times for service, notice, and  
28 response as set forth in the Federal Rules of Civil Procedure. The Court's

1 procedures for resolving discovery disputes are set forth in Magistrate Judge  
2 Dembin's Civil Chambers Rules, which are posted on the Court's website.

3       3. All expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be  
4 served on all parties on or before **September 29, 2014**. Any contradictory or  
5 rebuttal information shall be disclosed on or before **October 29, 2014**. In addition,  
6 Fed. R. Civ. P. 26(e)(1) imposes a duty on the parties to supplement the expert  
7 disclosures made pursuant to Fed. R. Civ. P. 26(a)(2)(B) by the time that pretrial  
8 disclosures are due under Fed. R. Civ. P. 26(a)(3) (discussed below). This  
9 disclosure requirement applies to all persons retained or specially employed to  
10 provide expert testimony, or whose duties as an employee of the party regularly  
11 involve the giving of expert testimony.

12       **Please be advised that failure to comply with this section or any other**  
13 **discovery order of the Court may result in the sanctions provided for in Fed. R.**  
14 **Civ. P. 37, including a prohibition on the introduction of experts or other**  
15 **designated matters in evidence.**

16       4. Deadline to provide class notice shall be **September 15, 2014**.

17       5. Deadline for expert depositions shall be **December 1, 2014**.

18       6. All motions, other than motions to amend or join parties, or motions *in*  
19 *limine*, shall be filed on or before **January 16, 2015**. Motions will not be heard or  
20 calendared unless counsel for the moving party has obtained a motion hearing date  
21 from the law clerk of the judge who will hear the motion. **Be advised that the**  
22 **period of time between the date you request a motion date and the hearing date**  
23 **may be up to sixty (60) days. Please plan accordingly.** Failure of counsel to  
24 timely request a motion date may result in the motion not being heard.

25       Any *Daubert* motions shall be filed along with motions for summary  
26 judgment unless no motions for summary judgment will be filed, in which case the  
27 parties may file *Daubert* motions along with motions *in limine*.

28       Briefs or memoranda in support of or in opposition to any pending motion

1 shall not exceed twenty-five (25) pages in length without leave of the judge who will  
2 hear the motion. No reply memorandum shall exceed ten (10) pages without such  
3 leave of court.

4 7. Pursuant to Local Rule 7.1(f)(3)(c), **if an opposing party fails to file**  
5 **opposition papers in the time and manner required by Local Rule 7.1.e.2, that**  
6 **failure may constitute a consent to the granting of a motion or other request for**  
7 **ruling by the Court.** Accordingly, all parties are ordered to abide by the terms of  
8 Local Rule 7.1.e.e or otherwise face the prospect of any pretrial motion being  
9 granted as an unopposed motion pursuant to Local Rule 7.1.f.3.c.

10 8. The parties must comply with the pretrial disclosure requirements of  
11 Fed. R. Civ. P. 26(a)(3) no later than **May 1, 2015**. **Please be advised that failure**  
12 **to comply with this section or any other discovery order of the Court may result**  
13 **in the sanctions provided for in Fed. R. Civ. P. 37, including a prohibition on**  
14 **the introduction of experts or other designated matters in evidence.**

15 9. Parties or their counsel shall serve on each other and file with  
16 the Clerk of the Court their Memoranda of Contentions of Fact and Law  
17 in compliance with Local Rule 16.1(f)(2) on or before **May 8, 2015**.

18 10. Counsel shall confer and take the action required by Local Rule  
19 16.1.f.4.a on or before **May 8, 2015**.

20 11. Counsel for the Plaintiff(s) must provide opposing counsel with the  
21 proposed pretrial order for review and approval and take any other action required  
22 by Local Rule 16.1.f.6.a on or before **May 13, 2015**.

23 12. Written objections, if any, to any party's Fed. R. Civ. P. 26(a)(3)  
24 pretrial disclosures shall be filed and served on or before **May 20, 2015**. **Please be**  
25 **advised that the failure to file written objections to a party's pretrial disclosures**  
26 **may result in the waiver of such objections, with the exception of those made**  
27 **pursuant to Rules 402 (relevance) and 403 (prejudice, confusion or waste of**  
28 **time) of the Federal Rules of Evidence.**

1        13. The proposed pretrial order shall be lodged with the district judge's  
2 chambers on or before **May 20, 2015** and shall be in the form prescribed in Local  
3 Rule 16.1.f.6.c.

4        14. The final pretrial conference is scheduled on the calendar of the  
5 Honorable Cynthia Bashant for Monday, **June 1, 2015** at **11:00 a.m.**

6        15. All motions *in limine* are due no later than **June 8, 2015** .

7        16. All responses to the motions *in limine* are due no later than **June 15,**  
8 **2015.**

9        17. The parties shall submit the following no later than **June 26, 2015**: (1)  
10 joint proposed jury instructions; (2) proposed verdict form; (3) *voir dire* questions;  
11 (4) statement of the case; and (5) exhibit binders.

12        18. The parties shall exchange final exhibit and witness lists no later than  
13 **June 29, 2015.**

14        19. A hearing for the motions *in limine* is scheduled for Monday, **July 13,**  
15 **2015** at **10:30 a.m.**

16        20. The trial in this matter shall commence on Tuesday, **July 21, 2015** at  
17 **9:00 a.m.**

18        21. The dates and times set forth herein will not be modified except for  
19 good cause shown.

20        22. Plaintiff's(s') counsel shall serve a copy of this order on all parties that  
21 enter this case hereafter.

22        **IT IS SO ORDERED.**

23  
24 DATED: July 17, 2014

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26   
27 Hon. Mitchell D. Dembin  
28 U.S. Magistrate Judge

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